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IN THE

United States Court of Appeals

FOR THE EIGHTH CIRCUIT

No. 15,726
CRIMINAL

A. RAY SEGAL,
Appellant,

vs.

UNITED STATES OF AMERICA,
Appellee.

Appeal from the United States District Court for the District of Minnesota.

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Portion of the Testimony of

MARY K. JOHNSON

Q. Have you lived in Minneapolis at various times during your life?

A. Yes.

Q. At some time were you living on Bradford in Minneapolis, north Minneapolis?

A. Yes, sir.

Q. Did you live there sometime in the fall of 1952?

A. Yes.

Q. At what address on Bradford? A. 707 Bradford.

Q. And did someone stay with you or live with you at 707 Bradford in the fall of 1952?

A. Yes.

Q. Who was that? A. Robert Bannarn.

Q. And did Robert Bannarn stay with you off and on there at 707 Bradford in the fall of 1952?

A. Yes.

Q. And did you and he apply for a marriage license in the fall of 1952?

A. Yes.

Q. And then in November of 1952 did you take a trip anywhere?

A. Yes, we left Minnesota for Chicago.

Q. How did you make that trip, by rail, bus, automobile, or what?

A. Car.

Q. And whose car? A. It was Donald Nelson's car.

Q. And who went in the car with you?

A. Donald Nelson, Rebecca Aron, Robert Bannarn and myself.

* * * * *

Q. In the fall of 1953 did you give some testimony in a court room in regard to that trip and events following after that?

A. Yes.

Q. What court room was that in? Where was that court room?

A. Across the hall. It was Judge Nordbye's court room.

Q. In this building? A. Yes.

Q. Were you sworn as a witness at that trial? A. Yes.

Q. And who called you as a witness?

A. The Government.

Q. And do you know whether you testified on one or two days at that trial?

A. I testified two days.

Q. I am going to ask you some questions that were asked you at that trial. I am going to read the questions that were asked you at that trial and ask you if they were asked and the answers that I have been given and ask you if you gave those answers and if it was true or false. First you were asked a question at that trial:

"Did you at one time become a prostitute?"

And you gave the answer, "Yes."

Was that answer true or false?

A. True.

* * * * *

Q. Going back to questions that were asked and answers that were given at the Nelson trial. You were asked the question:

"Then did you get into another state?"

You recall that question being asked of you or that type of question?

A. Yes.

Q. And in regard to going into another state, in what state did that trip begin on in November of 1951?

A. It began in Minnesota.

Q. And in answer to the question, "Then did you get into another state?"

You gave this answer: "I don't know that. I couldn't tell you. I didn't look at any signs along the way. I don't even know what highway I was on."

I will ask you as to various parts of your answer to that question. "I don't know that." Was that true or false?

A. Would you repeat the question?

Q. The question was: "Then did you get into another state?"

The answer, "I don't know that."

Was that true or false?

A. False.

Q. Then the next part of that answer:

"I couldn't tell you."

Is that true or false?

A. False.

* * * * *

Q. The next question—would you tell the jury, please, in regard to that trip that began in Minnesota, that was on or about what date?

A. Well, I think it was either the 10th or 11th of November.

Q. Of 1952? A. Yes.

Q. And I think you testified you started out for Chicago in an automobile?

A. Yes.

Q. It was Donald Nelson's automobile?

A. Yes. We started out around 4 o'clock in the morning, I think it was. I am not sure of the exact time. We stopped in St. Paul, at my home, and picked up some clothes, and we drove for quite a distance and it was daylight, in the morning sometime, close to noon, and we got on the train—on a bus and in about two or three hours after we boarded the bus we got to Chicago. I had not noticed any signs or anything, but we had talked at the time about, Bobby and I had, about getting out of the car onto a bus and he had said that—

* * * * *

Q. And I believe you stated it was still dark when you started out for Chicago, is that right?

A. Yes.

Q. And then I believe you said some considerable time later you got on a bus?

A. Yes.

Q. Somewhere. How did you happen to change from a car to the bus?

A. There was another argument about money.

Q. And who was that argument between?

A. Bobby and Don.

Q. And what money did it concern?

A. The money to be paid for taking us to Chicago.

Q. And the result of that argument was that you and Bobby Bannarn got out of the Nelson car and took a bus?

A. Yes.

Q. And about how long a bus trip was it to Chicago when you got out of the bus?

A. I would say it was either three or four hours.

* * * * *

Q. And then after you got to Chicago with whom did you live, Mrs. Loveless?

A. Robert Bannarn.

Q. And did you live with him for a time when you immediately arrived in Chicago?

A. Yes.

Q. And did you continue to live with him throughout the balance of that year of 1952?

A. Yes.

Q. And on into 1953? A. Yes.

Q. And what does the expression "hustle" mean, Mrs. Loveless?

A. That's another word for prostitution.

Q. And did you, in fact, engage in prostitution? Did you hustle in Chicago from the time you first got there on about November 11, 1952?

A. Yes.

Q. And did you continue to hustle through, in Chicago, throughout the rest of the year—

Mr. Hammond: Just a minute. Please don't lead the witness. Just ask the questions.

The Court: I think that is right, counsel.

By Mr. Janes:

Q. Did you continue to hustle? A. Yes.

Q. For how long in Chicago?

A. Approximately a year.

Q. And how long into 1953 did you live with Bobby Bannarn?

A. Well, it was either September or October—no, it must have been October.

Q. Now, reverting back to the questions that were put to you at the Nelson trial still being questions by Mr. Dim, the United States Attorney, you were asked the question, "Did you hustle in Chicago then?"

And gave the answer, "No, I don't believe I did. I worked at Spiegel's Department Store when I first got there."

Now, I will ask you with regard to those answers by parts. Is this true or false, this answer, "No, I don't believe I did."?

A. That's false.

Q. And how about this part of the answer, the rest of it, "I worked at Spiegel's Department Store when I first got there."

A. That's true.

Mr. Hammond: Was that true or false?

The Witness: True.

By Mr. Janes:

Q. How long did you work at Spiegel's Department Store?

A. Just a few days.

Q. And approximately when did you work at Spiegel's Department Store?

A. Toward the end of November.

Q. The next question, "Did you hustle in Chicago since the time you made this trip?"

"Answer: I worked at Spiegel's for quite some time."

Is that true of false?

A. False.
Q. And in what way is that false?
A. Well, it was only a few days.

The Court: Can you keep your voice up, Madam Witness, so all of us can hear you well.

By Mr. Janes:
Q. The next question by Mr. Dim, "How long did you work at Spiegel's?

"Answer: I don't remember exactly, but it was for awhile and I was not hustling."

Now, I will ask you in regard to those answers part by part, the question being, "How long did you work at Spiegel's?"

Now, in regard to that part of the answer which is, "I don't remember exactly," was that true or false?
A. True.
Q. The answer, "But it was for a while," is that true or false?
A. Well, I don't know how long you consider "awhile." Two days, three days?
Q. But it was two or three days that you worked at Spiegel's?
A. Yes.
Q. And then as to this part of the answer, "And I was not hustling," is that true or false?
A. False.

* * * * *

Q. Next question, there having been some testimony in between before I get to this next question, and then that opens up, "I only brought up that December 31st so I could help you on these dates. You got there on November 11th. You worked at Spiegel's. Did you hustle in between November 11th and December 31st?

You answered, "No, sir."

Was that answer, "No sir," true or false?

A. False.

Q. Then it was put in, the question in this form, "No, sir." And you gave the answer, "No."

Was that "No" true or false?

A. False.

* * * * *

Q. And then the next question was, "And what did you need a day in money in order to live?" And you answered that by saying, "You mean as far as being an addict or just to live?" And the question was stated to be, "Both." Now, Mrs. Loveless, were you using narcotics between September of 1952 and the end of the year?

A. Yes.

Q. And were you using narcotics while you were in Minneapolis before you left for Chicago on or about November 11, 1952?

A. Yes.

Q. And did you continue to use narcotics throughout the period when you were in Chicago between November, on or about November 11th and the end of the ye ?

A. Yes.

Q. And did you continue to use narcotics on into 1953?

A. Yes.

Q. And did you have need for narcotics during the time that you were in Chicago in 1952 after this trip there?

A. Not immediately after I got there, but shortly after that I did.

Q. So that you were an addict during that period, were you?

A. Part of the time.

Q. And the rest of the time you were using narcotics?

A. Yes.

Q. Now, reverting back to the questions I just asked you, "And what did you need a day in money in order to live?" Then by answer you inquired, "You mean as far as

being an addict or just to live?" And the question was, "Both." And to that colloquy you made answer, "I was not an addict at that time." Is that true or false?

A. False.

Q. And then you made the statement, "I was not addicted." Was that true or false?

A. False.

Q. And then you made further answer, "I was not using—" Was that true or false?

A. False.

Q. And then the question, "And from November, November 11th, until December 31st you were not using?" And you made answer, "No." Was that answer true or false?

A. False.

* * * * *

Q. Now, the next question that was, or skipping, and then the question was given to you, put to you by Mr. Dim, "And you got to Chicago about November 11, 1952, and did you see Bobby?" And you answered as follows, "No, I didn't see him for a long time after that. I didn't know where he was. He was not renting the same place I was." Now, taking the first part of that answer, "No, I didn't see him for a long time after that," meaning after November 11, 1952, is that true or false?

A. False.

Q. And next, "I didn't know where he was," was that answer true or false?

A. False.

Q. And next, "He was not renting the same place I was." Was that true or false?

A. False.

Q. And then, "And then from November 11, 1952, until what time did you see him or hear from him again?" Then you made answer, "I think it was a little over a month I had not seen him at all." Was that answer true or false?

A. False.

Q. Then, "Question: Then you saw him for the first time?" "Answer: That is right." Was that answer true or false?

A. False.

Q. Then the question, "Where?" "Answer: Gee, I don't know." Was that true or false?

A. False.

Q. Next question, "Chicago?" "Answer: Yes, it was in Chicago." Was that true or false?

A. True.

Q. Mrs. Loveless, after you got to Chicago on November 11th, did you leave Bobby Bannarn immediately after your getting to the bus station so that you separated in the bus station or on the sidewalk?

A. No.

* * * * *

Q. And did you live with Robert Bannarn at all times from the time you arrived in Chicago until in November of 1952 until after the first of the year, 1953?

A. Yes.

Q. Now, skipping down to some further questions that were placed by Mr. Dim to you in the Nelson trial, "Did you do anything with reference to—before you crossed the State line?" "Answer: I don't really know if we ever did cross the State line. I wasn't watching and I don't know where the State line was, but I thought this car was following us and I told Don to slow down a little bit, but the car had disappeared so it hadn't made any difference. As far as the State line was concerned I have no idea. I wasn't watching. I don't remember signs or anything. I don't know even if we got across it." Now, in regard to those answers to the question which ended up, "Before you crossed the State line," I will ask you part by part as to the truth or falsity of those answers. First, "I don't really know if we ever did cross the State line." Is that true or false?

A. That's false.

Q. And next, "I wasn't watching and I don't know where the State line was, but I thought this car was following us and I told Don to slow down a little bit, but the car had

disappeared so it hadn't made any difference." Are those answers true or false?

A. The first part—

Q. I will break that down then, "I wasn't watching," in regard to the State line, would that be true or false?

A. That's true.

* * * * *

Q. "I don't know even if we got across it."

A. That is false.

* * * * *

Q. Now, just before the court recessed yesterday I had been asking you some questions that had been asked of you by Mr. Dim when you were sworn as a witness in the trial of Donald Nelson. I am now going to ask you some questions that were put to you by one of the attorneys for Donald Nelson, Mr. Segal's associate, at that trial, and I will read a question and an answer and, as you did yesterday, I would like you to tell the Court and jury, please, whether your answers then given were true or false. The first question and answer:

"Question: Miss Johnson, you did not go down to Chicago for any purpose of prostitution, did you? That was not your purpose, when you went to Chicago?

"Answer: Not when I left, no."

Was that answer then given true or false?

A. False.

Q. And the next question and answer:

"Question: So at the time that you left Minneapolis you had no intention to engage in prostitution?

"Answer: That is correct. I was not thinking about it."

Is that true or false?

A. False.

Q. The next question:

"Question: And you had no intent to engage in any immoral acts either, did you? You know what immoral activities are, anything wrong?

"Answer: Well, I didn't know what I might do, except I hadn't planned on it."

Was that answer true or false?

A. False.

Q. "Question: You had planned to go to Chicago to get a job, isn't that true?

"Answer: I was going to go there and work, yes."

Is that true or false?

A. True.

Q. And what kind of work were you going to do when you went there?

A. Prostitution.

* * * * *

Q. Then the next question:

"Question: And other than those plans, to get a job and to get away from someone, you had no other purpose in going to Chicago. Isn't that correct?

"Answer: Yes. I had not planned on doing anything wrong."

Was that answer true or false?

A. False.

Q. Then the question:

"Question: And as a matter of fact when you got to Chicago you did get a job, did you not?

"Answer: That is right."

Is that answer true or false?

A. True.

Q. And how soon after you got to Chicago did you get a job?

A. Approximately two weeks.

Q. And the next question was:

"Question: And that was for Spiegel's Department Store?

"Answer: Yes, sir."

Was that answer true or false?

A. True.

* * * * *

Q. The next question: "It was a daytime job. What time did you start work in the morning?" And you answered, "When they opened. I don't remember. I think they opened at 9, and I worked from 9 until, I think, 5:30." Was that answer true or false?

A. True.

Q. And for how many days was it true?

A. Either two or three.

Q. And the question: "A daily job from 9 to 5:30?" And the answer: "That is right." Is that answer true?

A. True.

Q. "Question: And you got paid every week?" And you answered, "Yes." Is that answer true or false?

A. True.

Q. Did you, however, actually get paid for that job?

A. No.

Q. But was it a job where if you were to get checks you would get checks every week?

A. Yes.

Q. And the question: "And for how long a period of time did you stay with Spiegel's?" And you answered: "I don't remember exactly. I don't remember how long it was." Is that answer true or false?

A. True.

Q. It was true in what way?

A. I didn't know how many days it was.

Q. And the question: "It was for at least a month, was it not?" And the answer: "It might have been less than a

month, but it was a period of time. I mean I did get some pay checks." Is that true or false?

A. False.

Q. "Question: Did you get paid every week in checks?" And the answer: "Yes." Was that answer true or false?

A. I don't know if it was tr[illegible]r false. I would have gotten paid every week.

Q. Did you get paid? A. No.

Q. The next question: "By Spiegel's?" And the answer: "Yes." Is that answer true or false?

A. True.

Q. True in what way?

A. I would have gotten paid by Spiegel's.

Q. "Question: And would you say you got at least three weekly checks?" And you answered: "I don't remember because I didn't pick up my last check. I was supposed to go back and pick it up and for some reason I never went back and got it." Now I will ask you in regard to that answer by parts. The question being: "The checks?" And the answer: "I don't remember." Did you at the time you were testifying remember whether you got at least three weekly checks?

A. Yes, I remembered.

Q. And what did you remember the fact to be in regard to that?

A. I had not gotten any.

Q. Then the answer was: "I don't remember because I didn't pick up my last check." Did you pick up your last check?

A. I didn't pick up the only check. It was there but I didn't get it.

Q. Then you said: "I was supposed to go back and pick it up and for some reason I never went back and got it." Was that true or false?

A. True.

Q. The next question: "There were at least three checks due you, is that correct?" And you answered: "I believe so." Was that true or false?

A. False.

Q. "Possibly more?" And you answered: "It might have been." Was that answer true or false?

A. False.

Q. And the question: "But no less?" And the answer: "No." Was that answer true or false?

A. False.

* * * * *

Q. Now, at the time you made these answers that you have stated yesterday and today were false, did you at that time, at the time you were testifying in the Nelson trial know the falsity of those answers?

A. Yes, I did.

Q. So that when you gave the false answers you knew them to be false?

A. Yes.

Portion of the Testimony of

MARY JO RICE

By Mr. Janes:

Q And has Mr. A. Ray Segal acted as your attorney at some time or other?

A. Yes.

Q. And did he at one time act—while acting as your attorney, come to the Hennepin County Jail or to the Municipal Jail here in Minneapolis and aid in your release on bail by posting bail?

A. Yes.

Q. Do you recall about when that would be?

A. I believe it was—I think it was on the 1st of March in 1954.

Q. When you were then released then he drove you from the jail, is that right?

A. Yes.

Q. And did you have any conversation with Mr. Segal at that time which in any way mentioned the appearance of a Mary K. Johnson as a witness in the trial of Donald Nelson?

A. Yes.

Q. Would you tell the Court and jury, please, was anyone else present when that conversation took place?

A. No.

Q. Would you tell the Court and jury, please, what was said in that conversation at that time?

A. Well, we didn't start talking about the Nelson trial. We started talking about the Carlisle trial, which he was working on at the time.

* * * * * *

Q. Do you know what kind of an offense the Carlisle trial was?

A. The conversation which was leading up was speaking of another trial and we had to stop at the time to see a girl, it was a friend of Carlisle, and afterwards—and after we were talking about that trial it led into the Nelson trial.

Q. And what was said?

A. Well, he had made the statement that you would have thought that Mary K. was telling the truth on the witness stand, she was a cool and calm witness, to put it in those words.

* * * * * *

Q. Did he say anything further about Mary K. or what he knew about Mary K. or anything like that or about what she testified to?

A. No. As far as the testimony in the court room was concerned, no

Q. What led to this conversation? What were you talking about when it got—

A. As I said, we had stopped to see this girl that was interested in Carlisle and we were talking about that case.

Q. What kind of a case was that?

A. I believe it was White Slavery.

* * * * * *

By Mr. Janes:

Q. And it was while you were talking about this coming White Slavery trial Mary K. Johnson's name was mentioned?

A. Yes, because Mary was in the Workhouse at the time and she wanted to see Segal and that was the main reason I had called him that afternoon.

Q. Did you say anything to Segal about what she wanted to see him about?

A. No. She had told me to tell him that she wanted him to come out there right away.

* * * * *

Q. Can you give the exact conversations of specifically what was said by whom, by you and by Mr. Segal or substantially what was said by you and what was said by Mr. Segal in regard to the Carlisle case that led up to the conversation that mentioned Mary K. Johnson?

The Witness: Well, I remember we had spent about an hour or maybe an hour and a half in her apartment. We had stopped there. And I knew very little of J. D. I had met him. I asked—

By Mr. Janes:

Q. J. D., that's Carlisle?

* * * * *

Q. Yes. Miss Rice, would you limit your testimony, please, to the conversation that, and the statements and the talk that took place now at the Carlisle, at the place this woman was that was in regard to the Carlisle trial?

A. Well, actually, what they said between them I don't know because I wasn't paying any attention. It was after we left the apartment.

Q. I see. Then, what happened after—then after you left the apartment would you give the words as well as you can remember that you made and Segal made in that conversation?

The Witness: Well, I had made a remark to Mr. Segal about he must have been a good attorney because quite a few people were commenting on the Nelson case and that is how it started. And he was telling me a little bit about the Carlisle trial, and he said he made a name for himself at the Nelson trial and that's how it came about.

By Mr. Janes:

Q. And then what words did he use and did you use in the conversation as it continued?

A. Actual words I couldn't repeat.

Q. Well, substantially the words that were used as best you remember?

A. Well, he was more or less boosting his own morale up.

Q. Well, he was more or less boosting his morale, can't you tell the jury what type of thing he was saying or what he was saying in those terms?

The Witness: He said that you would have thought that she was telling the truth on the stand by the way she acted.

Portion of the Testimony of

RICHARD T. DICKSON

Q. On this occasion you showed up in court the next morning on, when was it, January 8th or 9th, roughly?

A. In there, yes, sir.

Q. And she entered a plea of not guilty, said she wasn't plying her trade there, is that right? A. That is right.

Q. And the Judge believed her, is that right?

A. Evidently.

Q. At least he let her go? A. That is right.

Q. Did she make a nice appearance in court?

A. Did who?

Q. Did she?

A. No. No. The girl, I would say, roughly at that particular time weighed only about 80 pounds and it was cold

and she just had an open coat and little blouse and skirt and no stockings on. She looked tough. Pitiful case, tough, very bad.

* * * * *

By Mr. Janes:

Q. When you observed her arms on January 7th did they look as if she had been taking narcotics for some period of time?

A. Very much so. Above and below the elbows on both arms, and she started down here. After the veins start to get weak here they start going down here on the back of the wrist.

Q. They get weak because they have been used for injections of narcotics over and over again?

A. That is right, from infection.

Q. Then they start injecting themselves into their own hands? A. That is right.

Q. You say she was low in weight at that time?

A. That is right.

Q. From your experience with people that take narcotics do you have an opinion as to whether the narcotics contributed to her low weight or her appearance at that time?

A. Definitely.

Q. Contributed and caused them? A. That is right.

Portion of the Testimony of

ANASTASIA CARLSON

Q. And did you observe if Mary K. Johnson left the floor any more than usual?

A. She did. But since I found out what it was all about, I am not in the habit of having those kind of people around me, and I never expected anything.

Q. What did you observe in regard to her leaving the floor and where she went?

A. She went upstairs to the girls' room and she stayed quite longer than usual, and I really only had her on the floor, and I wanted her to let me know when she was leaving the floor so I could take over her station and not have my customers wandering around the store unattended. So she said she would and she made, the day she was there she made another trip upstairs shortly after the first one and I didn't pay much attention to her; and so I found out later that that's what she was upstairs for, using the needle.

* * * * *

Q: And you recall that she was going up to the ladies' room, I suppose a great many times during the day, and you didn't appreciate it at the time, and you found out since that she could have been taking narcotics while she was working there? A. That's right.

Portion of the Testimony of

SHELLY WARREN

Q. And what did Mr. Segal tell you in regard to testifying pursuant to that subpoena?

The Witness: He told me that I was never to admit to the Grand Jury that I had ever had intercourse with Godfrey Barrett, I had ever given him any money, I had ever traveled for purposes of prostitution, that I had only traveled on a share-the-expenses plan and that all of us shared expenses. I had received money from my mother in ordinary mail, that I had worked at various places under aliases which I couldn't remember because the places I worked I hadn't stayed long enough, only until I was asked for a Social Security card, that if I did that I would never have to go to trial because I was the main witness for Barrett and that if I did that, there wouldn't be any trial. And I asked him if he was going to go with me to Springfield because I was subpoenaed to Springfield and he said it would never

reach there, and he told me he defended a girl named Mary Johnson successfully, in a similar case and she had listened to him and the case had been beaten, and said that he told her to say that she worked at Spiegel's Mail Order House for two months, and that she testified in that manner and, whatever the case was, was never—they beat the case anyway.

By Mr. Janes:

Q. Then did you see Mr. Segal, was there anything further said at that conversation?

A. Not that I remember.

Q. Did you see Mr. Segal after that?

A. Yes. The third time he came to see me he demanded that the matron let me see him—or let him see me, that he was my attorney, and I sent word to the office that I did not have an attorney so he threatened her job if she didn't. So I came from the kitchen where I was working and I told him, I said, I told her, I said, "Mrs. Clark, this man is not my attorney. He represents Godfrey Barrett and Lovie Barrett," so he tore up the visitors slip and told me if I was so dumb and ignorant as to not accept sound legal advice it wasn't his fault and he wouldn't represent me if I begged him and he wrote another visitors slip and he left, and I never saw him again.

* * * * *

Q. Have you been in contact with the FBI officers regarding these trials here? A. No.

Q. Not at all? A. No.

Q. When you were in the Workhouse were you interviewed by the Federal Bureau of Investigation agents?

A. Yes, I was.

Q. Did you give a statement to him, to them about Godfrey Lee Barrett? A. Well, after quite a few weeks.

Q. After quite a few weeks did you sign a statement?

A. I wrote the statement and signed it.

Q. Yes.

Portion of the Testimony of

REBECCA ARON

Q. And was anything said in that conversation with Segal and you and Mary K. Johnson in regard to Mary K. Johnson being a drug addict or user?

A. I think there was some mention of that.

Q. What was said about that?

A. She wasn't supposed to mention anything about any narcotics.

Q. Who said she wasn't supposed to say anything about narcotics?

A. I am not sure but I think Mr. Segal told her not to say anything about her being a drug addict.

Q. And was anything said about Mary K. and Bobby having lived together in Chicago and what should be said about that?

A. I don't know. Really I don't. This is so long ago and I mean so much has happened to me and I can't remember all that.

Q. Now just take your time and see if you can recall if anything was said on that subject. Do you recall being asked that same type of question before?

A. Yes, I do.

Q. I will ask you again, was anything said in that conversation with Segal and Mary K. in regard to the subject of Mary K. and Bobby having lived together in Chicago after they arrived there after starting out in the car with you?

A. I think he asked her if they lived together.

* * * * *

Q. Tell what was said there by Mr. Segal and by Mary K. or by yourself, as the case may be, on that subject?

A. She wasn't supposed to say she was living with Bobby Bannarn.

Q. Mary K. was not supposed to? A. Yes.

Q. When she testified in the Nelson trial? A. Yes.

* * * * *

Q. That's the 17th of September that you called him?

A. Yes.

Q. And what was said in that conversation?

A. Well, I called up and told him that I would like to talk with him. I wanted to see him.

Q. And had anything occurred between that, your calling him and the previous conversation that made you think you wanted to talk to him? A. Yes. It had.

Q. And what had occurred?

A. Well, I don't know if it was a practical joker or what, but it was worrying me, and I wanted to find out for myself because I was getting, I had gotten two or three calls, and, concerning my leaving town, receiving some money to leave town or something.

* * * * *

A. And, well, that is why I called him up, because I didn't want to talk to him on the telephone. I wanted to talk to him and I could get a better explanation why and—

Q. Did you tell him what you wanted an explanation in regard to?

A. No. I think I said to him, I said, "I think it is about time I talked to you because it seems as though I am either going to end up dead or go to jail."

Q. What did he say?

A. He asked me when I could come down, if I could come down, and I told him no, and I asked him would he come by my house, so he said he would.

* * * * *

A. Well, I don't remember all that I said because, like I say, I was pretty upset. I asked him did he know who it was. I don't know if he said no or yes, but anyway I said this is Becky and—

The Court: Said what?

A. (Continuing) I told him, "Mr. Segal, this is Becky." I said, he said, "Yes." He said, "How are you?" And I said, "Fine." I said, "I think it is about time I talked to you," and—I said, "This thing seems to be getting pretty serious." He said, "Yes, it is." And I think that is when he asked me when could I come down to see him and of course I told him, like I said before, that I couldn't come down and he was to come by my house the next day.

* * * * *

Q. Do you remember passing the State Capitol as you were going to St. Paul and going down to Kellogg and going over a bridge and going towards Hudson, Wisconsin, do you remember that?

A. I remember we went over a bridge but I don't remember what street or Capitol or anything like that because I just wasn't paying too much attention.

Q. You kept on going down towards Chicago. You drove quite a few hours, is that right?

A. It must have been because it was daylight later on. We drove for a long time because I was very tired.

Portion of the Testimony of

EVELYN A. DOERING

A. Yes. Well I said hello. He asked whether this is the American Insurance Company and gave his name, A. R. Segal, Attorney at 854 Midland Bank Building, Minneapolis. He asked for a description of my husband and when I asked him why he wanted this description he said he was checking on some car registrations and he found one car registered in

Herb's name and he gave the type car and the license number and another, car, a Chevrolet, he gave the make of the car and that he said was registered in Herb's name and the company's name. He didn't explain why he wanted that information. It was just this attorney calling. Then he said that my husband was at the home of a young negress. He gave an address and he said she was 25 years old, a prostitute of the lowest order and Herb was there at 4:15. Then I asked him why he was calling and he said that Herb was interfering in some private affairs of his and he wanted Herb out of the picture. Because he hadn't given a very good description of Herb he therefore said he would not tell me about his private investigations. I think that is all.

* * * * *

Q. Would you resume telling about the conversation of March 17th that you said opened up by the other party saying this is A. Ray Segal?

A. He said he had called Bob's office and he had told them the story about Herb as he had outlined it to me; that he was going to call Mr. Whitchurch as he was under the impression that Herb worked under him and he was going to tell or call what would be the American Rockford's office when he got around to it, but he didn't seem to know where to phone and he wasn't terribly clear about calling Bob's office. This was Saturday afternoon or something and I don't see how he could have called him then, but he must have called him in the morning.

Q. And then what was said?

A. Well, it seems to me, I think he said, "I don't see why the company would employ a man like Herb." Then he went on to give me the description of a Buick and the Chevrolet and said that Herb had spent the night with Becky Aron. I think he repeated a description of Becky Aron and then he said when they had stopped following Becky and Herb they were getting gas in a gas station and Herb was teaching her how to drive. At this time he had a very good description of Herb.

Q. A very good description of Herb, your husband, is that right?

A. Yes.

Q. I repeated that because it was a little hard to hear.

A. Then I asked why the investigation and again his interest. He said they wanted Becky Aron as a witness for some morals charge and they wanted Herb out of the way and he said if Herb would quit giving her money and supporting her they would be able to get Becky Aron to leave town. Of course, that kind of left you speechless. I told him it was a terrific shock and I didn't know what to do.

* * * * *

A. I called Mr. Whitchurch.

* * * * *

A. I phoned Mr. Gislason.

Portion of the Testimony of

ROBERT H. WHITCHURCH

A. A party answered and I said, "Is this Mr. Segal?" And he said, "Yes, it is." I said, "I am Mr. Whitchurch with the American Insurance Company and Mrs. Doering from New Ulm just called me and was quite excited about her husband. She said that you had—"

Mr. Hammond: This is conversation you are having with Segal?

The Witness: With Mr. Segal, yes.

Mr. Hammond: Go ahead.

The Witness: "She said that you had just made a phone call to her and it seems as though Herb is in trouble." Mr. Segal then said, "Yes, he is. And what kind of a company is the American Insurance Company to have a man like that working for them?" "Well, what do you mean?" And he said, "I will tell you the kind of a man he is. For two years

he has been supporting a colored prostitute by the name of Becky Aron. In fact, he is with her today. He has bought her," I believe, "a blue Buick automobile," license number is so and so, "and furthermore the two of them were picked up in the Frederick Hotel," and I believe he said, "in January of this year," or, "January last on some sort of a morals charge." He said, "If you want to verify this it is in the police records." Then I said, "Well, Mr. Segal why are you interested—" Or wait a minute. I said, "Mr. Segal, what has this got to do with you," or, "Why are you interested in it?" And he said, "Well, Mr. Doering is posing as a doctor and that he is advising Becky on matters that he doesn't know anything about." And I said, "Well, did you say Herb was up there now?" And he said, "He and Becky have just left the house," and I don't know whether it was to either drive—either give her a driving lesson or to take some laundry to the laundromat, but he said, "You better get up there right now and get him out of there." And about that time I agreed with him. So my wife and I got in the car and went up there, found Herb and Becky on the front porch, and I drove his car back to my house and my wife drove her car, or my car back to our house.

• • • • •

Q. But you could hear what Mr. Doering said to Mr. Segal?

A. Yes, sir.

A. I heard — wait a minute — I heard Herb say to Mr. Segal, "I know Becky was in the room at the time of the conference or discussion but she didn't hear anything because her back was turned so there isn't anything you have to be afraid of." And then—oh, I heard—there was more conversation and all that and then Herb said, "Why should I get her out of town?" And then there was more conversation and Herb said, "There isn't any more harm you could do me than you have already done." Then a lot more conversation and that was about it.

Portion of Testimony of

SIDNEY P. GISLASON

Sidney P. Gislason testified:

Q. Then would you give the conversation as it took place between you and Mr. Segal?

A. Well, yes, I can give it to you in substance, as I recall it. I told him about Mrs. Doering and that she had called me; I think I asked him what he was doing or what he was trying to do, and he explained then to me, as near as I can recall it, that Mr. Doering had been associated with a girl named Becky Aron; that Becky Aron was to be a witness in some case in which Mr. Segal was involved; that Mr. Doering was interfering with that witness and that he, Mr. Segal, was fighting for his life. The balance of the conversation, as I recall it, was simply my telling him or suggesting to him that he not bother Mrs. Doering any further. That was substantially the conversation as I recall it.

Portion of the Testimony of

IRVING NEMEROV

Q. Do you recall, Mr. Nemerov, at any time, having any conferences in your office when Mr. Segal was present?

A. Yes, sir.

Q. And do you recall on or about the time that took place?

A. It was the—it was some time during the week before the trial and it was in an evening of one of those days.

* * * * *

Q. It was you, Mr. Segal—

A. And Becky Aron and Mary K. Johnson.

* * * * *

Q. And what conversations took place then in your office in the presence of each other?

A. Mary Johnson carried most of the conversations and most of it was again general conversation in respect to her life, use of narcotics, Bobby Bannarn's life, her continued feud with the Federal agents, things like that. She again kept telling me and kept impressing upon me how the Government was so well prepared on the railroad trip that she took with Bannarn a couple of months previously.

* * * * *

Q. Was there anything said about the facts on the automobile trip that you can recall?

A. Not much that I can recall. I know Mary Johnson had the floor and when she talks, she talks and you can't very well interrupt her.

Q. Do you recall anything she said about why she went to Chicago? Was there anything said in that conversation in respect as to why she went to Chicago on that occasion?

A. That night I remember her saying something about working at Spiegel's and I was surprised to hear her say that.

Q. That she was working at Spiegel's? A. Yes, sir.

Q. Was there anything said about Donald Nelson, how he came into the picture?

A. Very little that I remember that she said at all because I wasn't interested. I think she may have said something about the automobile trip but I wasn't interested in the automobile trip. I had to overcome three counts in that railroad trip and there was only one count on the automobile trip.

* * * * * *

Q. Was Becky Aron taking part in any of the conversations, do you know?

A. Well, not too active a part. She was walking in and out of the office. She seemed to be very—I don't know. She would go to the washroom or she would go—in the reception

room we have a water fountain, keep going to the water fountain. She didn't seem to take any active part at all.

* * * * *

Q. Do you recall any conversation being had at that time as to what Bobby Bannarn and Mary Johnson were doing in Chicago other than what was mentioned about Spiegel's?

A. I was only interested in their lives since the railroad trip, which was only previous to this time a very short time. They were living together and she, in her terms and the terms of the street, was hustling for him. There was no doubt in mind. That was understood. She did tell me these people in the hotel would testify they brought her tricks.

Portion of Testimony of Defendant

A. RAY SEGAL

DIRECT EXAMINATION

Q. And were you retained in the case of Donald Nelson at any time, Mr. Segal?

A. Yes, I was. Donald Nelson called me from Hennepin County Jail.

Q. Will you give us the time on, about when it was?

A. That was the, some time, I believe, in September, latter part of September of 1953, and I went up to see him in the jail in response to that call; and the first thing I asked him was whether he was in a position to raise any money to pay for the attorney's fees and cost of investigation. He said he had no funds, and I told him that it's too big an undertaking to get into without having some retainer and that I didn't think I would be willing to handle it, and I came back to the office, and I felt that was the end of the matter. Now, Mr. Wasserman was at the office at the time, and I happened to mention to him that I had been over there to talk to Mr. Nelson, and I knew that Mr. Wasserman was interested in learning something about Federal criminal pro-

cedure, and he asked me if I had any objection if he went over and talked to Nelson. And I said no, not at all. He then went over to talk to Mr. Nelson, had an interview with him and came back and told me, he says, "You know, that fellow isn't guilty of anything." I says, "Well, but, who is going to pay us for the time?" He says, "Do you mind if I take it over and be associated with you and use your name on the pleadings with mine and I will rely on the experience you had in the Stone matter to handle the case?" And I said, "Well, if you want to do it for free that's entirely up to you." So he says, "I will go back and talk to him again." He went back and talked to him again and I think persuaded him to agree to sign a note for $1,500.00 and come back and told me, he says, "Well, I am going to be able to get a note from him." I said, "How are you ever going to collect it?" He said, "At least we will have a note in the event at some future time he is able to pay, maybe we can get paid." I said, "I will sit in behind you and help you but I am not going to do any of the work." Then he continued to do the work of interviewing him again and getting the research on the law.

* * * * *

Q. Did you have an occasion, Mr. Segal, to be present at a conference had in Mr. Nemerov's office?

A. Yes, I was present.

Q. And will you tell us about when that was if you can remember?

A. Two or three days before the trial was scheduled to start. That may have been somewheres around the 19th or 20th Mr. Nemerov called the office and wanted to talk to Mr. Wasserman. Wasserman wasn't in at the time and he mentioned that he would like to have either Wasserman or myself come over to his office late that afternoon as Mary K. Johnson was going to be there and maybe we would be interested in learning what the facts were in reference to the Nelson trial because he says, "I represent Bannarn, you fellows represent Nelson, we ought to get together

and see what all of these facts are that are going to be introduced in this case," and I says, "That sounds logical and if Wasserman doesn't get back here, why I will come over myself." Wasserman didn't come back that afternoon and so I went over to his office about 5:00 or 5.30, somewheres in that neighborhood.

Q. And when you got over there who did you find?

A. Mr. Nemerov was there and Miss Johnson was there and Becky Aron was there and I believe Norman Perl was there.

* * * * *

Q. Was there any discussion then about these charges against Bannarn and against Nelson?

A. Yes, there was a lot of conversation by Mary Johnson concerning things in general that did not seem to make sense to me. She kept rambling on about Bannarn. She seemed to be quite interested in wondering whether she could help him in any way to get out of all the trouble he was in. She wasn't particularly interested in Nelson. All I was interested in was to hear what she had to say with reference to this trip that they were supposed to have taken from Minneapolis to some place in Wisconsin and my recollection is that she mentioned that offhand two or three times and she mentioned about that she had known that Donald Nelson was a cab driver and that she had talked to him about driving her and Bobby to Chicago and that she wanted to get away from the city because at that time she had stolen some narcotics from a fellow by the name of Floyd Love and that Love was after her and in addition her boy friend Bannarn had a floater and was supposed to be out of town and he had been dilly-dallying around and she was afraid they were going to pick him up and she was anxious to have Nelson get going as fast as he could on that particular trip. Of course Becky was in and out of the office there and took no part in the conversation and Nemerov tried to ask her a question here and there but sometimes she would answer and sometimes she would go

on to some other subject. But the sum and substance of her conversation led me to believe that Nelson was merely going to drive her and Bannarn to Chicago for a consideration of some $45.00, as I understood it, from the conversation she was giving, and I felt in view of the rambling remarks that she had made there wasn't any kind of a case against Nelson. I think that is all there was to it because we didn't stay there very long. I don't think we were there more than about 45 minutes in all.

* * * * *

Q. From the information you had prior to the time you went over to this conference was there any doubt in your mind Mr. Nelson had gone down into Wisconsin?

A. No, none at all.

* * * * *

Q. But I mean did she tell you, give you any facts at that conference that you had telling you what she was doing in Chicago after she arrived there in November of 1952?

A. No, sir.

Q. Did she tell you at that time that she was living with Bannarn as man and wife in Chicago in 1952?

A. No, sir, she did not.

* * * * *

Q. Was there anything else in this conversation now that you can recall that I haven't brought out—that I haven't brought to your attention?

A. No, other than she seemed to be concerned with Bobby Bannarn and she seemed to want to protect him and to get him off with some light sentence or get him absolved of any crime of any kind.

* * * * *

Q. Now this little girl, Becky Aron, was she—were you representing her in matters, Mr. Segal?

A. Yes, I represented her on two or three different occasions.

* * * * *

Q. And in October, 1953, when the Nelson trial came up—

A. The representation was generally along the same line. Whether she had something in October, 1953, or not, I don't recall offhand. I can't seem to remember. Yes, she had been in some little difficulty at that time. She and Donald Nelson had some kind of an automobile on which there was a payment due or an arrears and she had a call from the finance company that was financing the car that they were going to take the car away from her unless she made the payment and she came up to my office, I believe, and she indicated that there was a payment behind. I told her, "Well, under the conditional sales contract agreement that was made here they can take that car away from you." As a matter of fact that was the time when Donald Nelson had been picked up and was in jail and she had the car and the payment became due while he was in jail. I told her if she wanted to keep the car she would have to go down and make the payment. So she went down and made a payment to one of the clerks there and got the receipt. The finance company apparently had gotten wind of the fact that Nelson had been arrested and was in jail and his name was on the contract. Although they gave her the receipt in Donald Nelson's name, they immediately contacted her—I don't know how it was, either in person or by phone, and gave her the money back on the payment that she made, claiming that there was a mistake made, they weren't supposed to accept the money, and they went out and repossessed or replevined the car. So she came back to the office and was complaining bitterly about the fact that I had told her to make the payment and they gave her the money back and they grabbed the car and they had certain equity in the car and what could we do about it. I told her, "I am too busy to monkey with that type of

procedure, you can come back and talk to Wasserman. I think Wasserman will be able to take care of you." I don't know whether she waited or came back, but Wasserman did take over from there on and did file an answer to the replevin proceedings.

* * * * *

Q. In the spring of 1956, in the trial in which you were concerned with, did Becky Aron testify for the Government?

A. In January, 1956?

Q. In March of 1956.

A. Yes, she was a witness in my case before Judge Nordbye.

* * * * *

Q. How about this transaction in March of 1956, did you hire a private detective for the purpose of making some investigation for you?

A. Yes, I did, in, I believe it was in the early part of March or middle of March I contacted the Bush Detective Agency, which has offices in the Phoenix Building in Minneapolis and I explained to some fellow there I wanted to have them send a fellow out to check upon Becky Aron at 525 Penn Avenue North and to put some surveillance on her for a few days to see just what was going on with reference to her activities. I explained to him she was going to be a witness in a case that involved me which was coming up sometime in March. He went out there to interview her and when he got there he was talking to her—

* * * * *

Mr. Janes: May we have the name of the Busch Detective Agency man he referred to?

The Witness: I don't know what his name is offhand. I can't recall that, but they have an office here in the Phoenix Building.

* * * * *

CROSS-EXAMINATION

By Mr. Janes:

Q. Mr. Segal, in conferences with Becky Aron that you just testified to took place where?

A. In my office.

* * * * *

Q. You testified in the United States District Court for the District of Minnesota in March of last year when this case, the same case that is now being retried was tried before the Honorable Chief Judge Gunnar Nordbye of this district, did you not?

A. Yes, I did.

Q. And at that time you were sworn as a witness in your own behalf?

A. I was.

Q. Do you recall giving testimony of this type, the question was asked of you by—you were then represented by Mr. Frank Collins, were you not?

A. Yes, I was.

* * * * *

Q. And then the question was asked, "Had she ever been there prior to the Nelson trial?" And you gave answer, "No, never." Do you recall giving that answer at that time?

A. No. I don't recall it.

Q. And then you were asked the question, "The only time you saw her prior to the Nelson trial was in the City Jail, is that correct?"

A. The only time I saw her in the City Jail was when?

Q. The question was, "The only time you saw her prior to the Nelson trial was in the City Jail," and you gave answer, "Yes."

A. Yes. I saw her in the City Jail, I believe, on one or more occasions.

Q. The question was put to you, "The only time you saw her—the only time you saw her prior to the Nelson trial

was in the City Jail?" And you gave answer to that question, "Yes." Answer that yes or no or whatever you recall about it, did you give that answer to that question at that trial?

A. I don't recall that. I don't recall whether, how that question was put, but the actual facts as I recall now, it's a matter of trying to think back three years and many, many things go through a law office and my recollection now as I think back is that I saw her in the City Jail at least once and possibly more.

Q. Right. And had your recollection then changed as to this answer—to this question, "Had she ever been there prior to the Nelson trial?" And you gave answer, "No, never," and that testimony then given before that jury was incorrect?

A. It's incorrect as far as my recollection at the present time is concerned.

Q. But it might have been correct so far as your recollection at that time was concerned?

A. No. I don't know whether I understood the question at that time.

Q. But you understand the question I have referred to?

A. Yes, I understand what you are talking about.

Q. The question asked, had she ever been there prior to the Nelson trial?

A. Yes. She was there prior to the Nelson trial.

Q. And that refers to the office? A. To my office.

Q. Yes. Now, you testified in regard to a note of $1,500.00 that was given by Nelson in payment of or for his attorney's fees?

A. Yes, I did.

Q. Was that note yours or was it Mr. Wasserman's or was it both of yours?

A. I really don't know. Mr. Wasserman was handling the entire transaction. I understood from what he told me that he had prepared a note and that he had Mr. Nelson sign it and that he subsequently brought suit on the note and that he recovered a judgment on it, and he told me that the judg-

ment was on file and of record in the District Court of Hennepin County and that it's still unpaid.

Q. Were you to participate in that $1,500.00?

A. I assume that he would probably pay me part of whatever fees he eventually collected if he ever collected anything.

Q. Was anything, money or property, ever collected from Mr. Nelson?

A. Collected?

Q. Was anything, money or property ever received by you or Mr. Wasserman from Mr. Nelson?

A. I think Mr. Nelson at one time came into the office and paid Mr. Wasserman $10.00.

Q. How about a watch?

A. Yes. There's a man's watch and a small man's diamond ring in an envelope in the office with Mr. Nelson's name on it.

Q. Mr. Wasserman no longer has his offices with you, does he?

A. No. Mr. Wasserman moved, I think, in the spring of this year to 512 Nicollet Building.

Q. And is the watch in your office or Mr. Wasserman's office?

A. No. That is in my office.

Q. And was there also a mortgage of any type given as security for that note?

A. Yes. I believe Mr. Wasserman had Don Nelson execute a chattel mortgage on the '52 Buick automobile which Mr. Nelson owned and which he used in driving these people to Wisconsin, which automobile was repossessed by the finance company during the week of the Nelson trial, so that the security became null and void.

* * * * *

Q. Now I believe you testified—did you ever see or know Mary K. Johnson before your discussion of the Nelson case with her?

A. No, I never knew her before.

Q. Did you ever see her before?

A. I may have seen her but I wouldn't want to say positive, because I didn't know her and the first time I actually met her or was introduced to her was in Mr. Nemerov's office when he introduced her to me and I said hello, and she stretched her hand out. I didn't go over where she was. She was sitting in a chair and I remained where I was. I didn't shake hands with her.

Q. You may have seen her up along the Avenue?

A. It is possible.

Q. You have been in Jimmy Baker's Cafe Society quite often, haven't you?

A. Yes. He was a client of mine and had collected rents for me and I used to be up there to see him to collect these rents, oh, as often as sometimes once a week or once in two or three weeks.

Q. You represented him in an OPA case? A. Yes.

Q. Did you ever represent him in any troubles with the Minneapolis Police that he had?

A. Yes, I did.

Q. How many times? A. Possibly two or three times.

Q. When, during what period?

* * * * *

A. Yes, I have represented him for some eight or nine years, represented him when he purchased a home. I examined the abstracts and the title and deeds and all the papers.

By Mr. Janes:

Q. In what matters did you represent him in his troubles with the Minneapolis Police?

A. I think he appeared in Police Court here for some traffic violation or some health ordinance with reference to the operation of his cafe and—

Q. Did you represent him in licensing troubles?

A. Some license difficulties I believe it was.

Q. He had difficu' y off and on with the Minneapolis Police with his place of business?

A. No, I don't think so.

Q. And you did represent him so when you had this estate and needed rents collected on that then he collected the rents for you on that property?

Q. But then you had him also collect the rents for the estate along about 1953 and then you started acting for yourself in that regard for the estate, is that right?

A. In May of 1953, yes, I took the property out of his hands.

Q. Are you still acting for the estate? A. Yes.

Q. And collecting the rents for it? A. Yes, I am.

Q. What estate was that?

A. That was the Nathan Ettenberg estate and that prop'erty was sold to Michael Cuda in 1948.

Q. The property was sold in 1948 but you continued to collect the rents for the estate until 1953?

A. Not for the estate, for the new owner.

Q. And who was the new owner, what name was that?

A. Michael Cuda.

Q. Where does Michael Cuda live?

A. 2022 Queen Avenue North in the city of Minneapolis.

Q. And as you collect the rents you turn them over to Michael Cuda?

A. No. The property was purchased for $4100.00 and title was put into his name but he is a brother-in-law of mine so I retain the control of the property until such time as he is able to pay that $4100.00. If you wish to see the deeds I have them right here with me.

Q. I didn't ask for the deeds at this moment but now that you have them there I will place them on the table. You collected the rents until such time as he has paid the $4100.00 you lent him?

A. No. The $4100.00 was paid on the property and it was put in his name with the understanding if and when he is

able to pay the $4100.00 then the property will be turned over to him.

Q. In fact the property is in his name already, is that right?

A. It is, and so are the fire insurance policies in his name.

Q. You own that property actually?

A. I own it right now.

Q. You own that property?

A. That is right, to all intents and purposes I own it.

Q. And you have owned it for how long?

A. Since November of 1948.

Q. And you testified yesterday that you were collecting those rents up until 1953 for an estate?

A. No, I didn't say for an estate. I said I had represented an estate to begin with.

Q. You were talking about an estate yesterday involving a Ben Phienas Ettenberg, weren't you?

A. That is right. He was one of the heirs. A warranty deed signed by his guardian in the probate Court, Hennepin County, Minnesota

Q. That is the estate that owned a one-third interest in this property at 707 Bradford Avenue?

A. Until 1949, I believe.

Q. At which time you bought it?

A. No. It was purchased in 1948 but because one of the heirs was an incompetent it was in Probate Court and they had to have a Probate Court proceeding to have an appraisal made and to approve the sale.

Q. But you bought it in 1948 and 1949?

A. That is right.

Q. And you bought it from an estate that you were representing and it was an estate of an incompetent who was in a mental hospital, is that right?

A. He had a one-third interest in that estate.

Q. And you bought that one-third interest from the estate you were representing?

A. No. It was to be purchased by my brother-in-law.

Q. You just told this jury you bought this property, didn't you?

A. Yes, I did. I furnished the money.

Q. And you bought it and you say you owned it?

A. I own it for all practical purposes until he is able to pay that $4100.00.

Q. How much rent have you collected from this property since you bought it?

A. My books and records will show that.

Mr. Hammond: What materiality is that. I object as wholly irrelevant and immaterial.

Mr. Janes: I think it is quite material.

The Court: He may answer.

By Mr. Janes:

Q. What rents have you collected since you bought that property in 1948 or 1949?

A. Mr. Janes, do you think that I am an adding machine that I can give you all those figures? I have books and records with all those facts and figures. The income tax returns are available, I have got copies of them any time you want to see them.

Q. You bought it in 1949 so you had it in 1950. Did you return the income from the property in your 1950 income tax return?

A. I can't recall offhand. I don't know.

Q. You would have had income from that property?

A. Not necessarily. It was vacant for some considerable period of time.

Q. I hand you a sheet of paper which says individual income tax return of 1950. I will ask you if that is your income tax return for 1950?

Mr. Hammond: Do you want to mark it as an exhibit?

Mr. Janes: I don't plan to offer it at this time. I may later. Wait and see what the witness says about it.

A. That is my signature on there.

By Mr. Janes:

Q. Is there any mention of any income of any kind from that 707 Bradford Property in that income tax return?

A. No, I don't see anything listed on this return here.

Q. I am now handing you what says U.S. Individual Income Tax Return 1951. I will ask you if that income tax return as filed—handing you that return for 1951, I will ask you if that is your return for 1951 and what mention there is in there regarding income from this property at 707 Bradford?

A. I don't believe this is the complete return, although my name is on the front page of this 1951 return.

Q. Here are the papers that I removed from being attached. I will ask you if any of those were a part of that return as originally filed?

• • • • •

The Witness: No. It seems to be that Schedule J of the partnership and so forth, profit and loss statement doesn't seem to be in here.

By Mr. Janes:

Q. Is there anything missing from that return as you have it in your hands in relation to rental income that is not now present in the papers that are in your hands that was included in the papers as filed by you as your 1951 income tax return?

A. There could be.

Q. Handing you what purports to be individual income tax return for 1952, I will ask you if that is your income tax return for that year as filed by you?

A. Yes. This is the return that I made showing rental income from, among other things, the property on Bradford.

Q. What income does it show of your income from the property on Bradford for that tax year?

Mr. Hammond: I understand, Your Honor, I have objection to all this stuff as wholly irrelevant and immaterial to our inquiry here and also prejudicial?

The Court: Your objection is noted. You may answer.

The Witness: What was the question again?

By Mr. Janes:

Q. What gross and what net income, if any, does that 1952 income tax return of yours show for the property at 707 Bradford?

A. It shows a net rental income after various deductions for heat, gas, electricity, water, insurance, repairs, taxes, depreciation of $1,663.03.

Q. And a net income of what?

A. Sixteen hundred sixty-three dollars three cents.

Q. From the property at 707 Bradford?

A. 707 Bradford.

Q. And handing you what purports to be United States individual income tax return for 1953, I will ask you if that is your income tax return as filed?

A. Yes, it is.

Q. And does that return show income, net income from property at 707 Bradford Avenue?

A. Yes, it does.

Q. And by net income you understand me to mean profits after all expenses?

A. Right.

Q. And what net income does it show that property produced during that year?

A. Eight hundred twenty-one dollars forty-seven cents.

Q. And you still own that property, Mr. Segal?

A. Still under my control.

Q. Do you still own that property, Mr. Segal?

A. No. The record owner is Michael Cuda.

Q. Well, you owned that property for some years, didn't you?

A. I have been dealing with that property possibly ten, twelve years.

Q. Well, you testified a few minutes ago that you owned that property?

A. I say for all practical purposes I own it.

Q. All right. For all practical purposes do you still own that property?

A. Yes, I do.

Q. And there has been no change in the situation of your ownership since about 1948 or 1949, has there?

A. That is correct.

Q. And you testified yesterday that at the time this estate sold that property it had lost a great deal of value?

A. Yes, it had.

• • • • •

We tried to sell it. I believe we contacted various real estate agents in the neighborhood and the best figure we could get was $4,100.00.

• • • • •

By Mr. Janes:

Q. You have seen Becky Aron around Jimmy Baker's, haven't you?

A. I may have seen her there once or twice or three times. I wouldn't know.

Q. And you have seen Dorothy Nelson around there several times, haven't you?

A. It is possible I may have.

Q. And you have seen this Mary Jo Rice around there several times, haven't you?

A. I don't recall ever seeing her up there that I can recall offhand now.

Q. And you have seen Mary K. Johnson around there several times too?

A. No, I wouldn't say so. Most times she was probably in the workhouse, in jail, or out of the city.

• • • • •

APPENDIX

PORTIONS OF TRANSCRIPT OF TRIAL
MAX HERMANN vs. JOSEPH ST. DENNIS

State of Minnesota
County of Hennepin

Municipal Court
City of Minneapolis

MAX HERMANN,
Plaintiff,

vs.

JOSEPH ST. DENNIS,
Defendant.

UNLAWFUL DETAINER ACTION

The above entitled matter came on for hearing before the Hon. D. E. LaBelle, one of the Judges of the above named Court, on the 9th day of October, 1945, without a jury, at which time the following proceedings were had.

Mr. A. R. Segal, Esq., appeared for the plaintiff.

Mr. George Townsend, Esq., appeared for the defendant.

• • • • •

DIRECT EXAMINATION

By Mr. Townsend:

Q. Mrs. St. Dennis, you are the wife of Joseph St. Dennis, the defendant in this action?

• • • • •

Q. (Mr. Townsend) Do you recall when you received the registration letter dated August 31st, the registered letter on Mr. Segal's stationery which I am showing you?

A. It was on Tuesday morning following that, that would be about the 3rd I believe or the 4th of September, it was on Tuesday morning about 8:00 o'clock.

• • • • •

Q. How do you fix the time and the date in your mind as to the day that you received it?

(Plaintiff's Exhibit A marked for identification by the reporter.)

Q. I show you plaintiff's exhibit A and ask you if that is your signature on it?

A. It is, yes.

Q. Your Honor, I call attention to the fact the date of delivery has been altered and the initial of the postman signing the thing isn't on it; in addition to that, Your Honor will notice that this was received as a registered letter August 31st and while it is sent Special Delivery it would be a physical impossibility I am sure to have it reach the St. Dennis home at 8:00 o'clock on August 31st, the same day it was mailed.

The Court: Do you wish to examine?

Mr. Segal: Yes. You are absolutely certain that you received this letter on the morning of Tuesday, September 4th, 1945?

A. Yes, I am.

* * * * *

Q. And showing you Exhibit A again, do you recognize your signature on that?

A. That's my Special—

Q. (interrupting) That's the card that you signed at the time you got this registered letter for the notice to vacate.

We offer in evidence Plaintiff's Exhibit A and showing the postman return form on September 1, 1945, three days before she claims she ever received that.

REDIRECT EXAMINATION

Mr. Townsend: That would be the September 1st, would be the date it would be received at the post office on the way out.

Mr. Segal: No, it wouldn't, that was the time.

Mr. Townsend: I don't agree.

Mr. Segal: It certainly discredits the testimony of the witness that she got that on September 4th.

Mr. Townsend: It is obvious this has been altered.

Mr. Segal: It is certainly very obvious she didn't get it on September 4th like she claims.

* * * * *

The Court: Are you going to testify?

MR. A. R. SEGAL, a witness, called on behalf of the plaintiff, having first been duly sworn, testified as follows:

(Plaintiff's Exhibits B and C marked for identification by the reporter.)

Mr. Segal: On August 31, 1945, I personally typed out a letter and addressed an envelope to Joseph St. Dennis at 1316 13th Avenue South in the City of Minneapolis, the notice was to vacate these premises and the letter was sent by registered mail special delivery.

Mr. Townsend: Just a moment, counsel, as long as he is testifying, Your Honor. May I ask a question whether he knows, I think it would save time. Do you remember what time you typed that letter?

Mr. Segal: That letter was typed, that letter was typed during the noon hour of Friday, August 31, 1945.

* * * * *

Mr. Townsend: Do you remember what time you mailed those letters?

Mr. Segal: To the O.P.A.?

Mr. Townsend: To the O.P.A. and the St. Dennis'.

Mr. Segal: To the St. Dennis' that was mailed at what is known as the Traffic Station of the Post Office located at

704 Marquette Avenue and that was posted there along about in the middle part of the afternoon of Friday, August 31st.

* * * * *

Mr. Segal: And then we offer Plaintiff's Exhibit B in evidence, Your Honor, as the carbon copy of the letter, the original of which was sent to the defendant, Joseph St. Dennis, and also a carbon copy also which was sent to the O.P.A. Rent Control office in the National Building, in the City of Minneapolis. With reference to Plaintiff's Exhibit One, that was addressed and prepared by me and mailed and is the envelope in which the notice was sent to the St. Dennis'; that was mailed at the Traffic Station in the City of Minneapolis on the afternoon of August 31, 1945, by registered mail special delivery and we offer the envelope which is Defendant's Exhibit One in evidence.

The Court: I am not satisfied with this, there is a claim on the one hand she got this on the 4th; this carbon copy would indicate to me it was delivered on the—

Mr. Townsend: (interrupting) There is something conflicting.

The Court: (continuing) Isn't it possible for the post office, this special delivery agent must have records.

Mr. Townsend: They do.

The Court: Isn't it possible to find out when that was delivered?

Mr. Townsend: I think we can also show, Your Honor, further conflict, if I could cross-examine Mr. Segal for a moment.

Mr. Segal: Sure, go right ahead. The conflict is, it is on the part of the defendant's witness as to the—if there is any conflict it is on the part of the defendant's witness by saying she got it on September 4th when the card definitely shows it was mailed and postmarked September 1st before she ever received this card.

The Court: I don't know when that date, here is this—

Mr. Segal: (interrupting) You mean there may be some doubt in your mind about the day that they delivered?

The Court: I don't know.

Mr. Townsend: It may be that the card is filled out and the man takes it along with him when he delivers it.

The Court: It looks to me like there might have been a change then.

Mr. Townsend: That's obvious, Your Honor, nine written and then there is an eight.

Mr. Litman: The witness testified that she has received it and it is signed for by the agent.

Mr. Segal: She may have substituted on that.

The Court: Please, counsel.

Mr. Litman: The inference is there that she signed for or she said it was delivered to her personally by the mailman.

* * * * *

(Two o'clock p.m., October 11, 1945, cause continued to this date, all appearances as previously noted, at which time the following proceedings were had.)

The Court: The Court will direct that the witness testify with reference to delivery of a special delivery.

MR. JOHN M. SICORA, a witness, called on behalf of the defendant, having first been duly sworn, testified as follows:

DIRECT EXAMINATION

By Mr. Townsend:

Q. What was your name, I didn't hear?

A. Sicora, John M.

Q. Mr. Sicora, you were subpoenaed here, weren't you, by both plaintiff and defendant in this action?

A. Well, I don't know much about legal matters, there is two subpoenaes.

Q. Do you have with you the postal records pertaining to the special delivery of a registered letter No. 7158?

A. Yes, sir.

Q. Will you produce that please?

A. How do you want me to go about this? Do you want the procedure we go through?

* * * * *

The Court: We are interested in the date of the delivery.

Mr. Townsend: Will you produce your records, please, if counsel wants to take a long time in this.

Q. (Mr. Townsend) Do you know what the records show as to the delivery of the special delivery No. 7158?

A. The records show it was given to the messenger on September 1st, he left at 7:25 and he delivered the letter at 7:48 a.m., at 1316 13th Avenue South.

Q. That's all.

The Court: That is fairly clear that was delivered on the first day of September.

Mr. Segal: But then that pencil—

The Court: Is this card marked August 31st? There is enough here to make a finding that that was delivered on the morning of September 1st, that's what I am going to find.

Mr. Segal: This defendant comes in here and deliberately perjures herself in this court.

Mr. Townsend: Just a moment.

The Court: We have a card that indicates it is changed, this has been erased, I don't think we'll say anything about any perjury.

Mr. Segal: I am willing to stand on the testimony and the evidence, Your Honor, there has been some changes on

some of these things and then on that red—or yellow card, I don't know but it looks—

The Court: This exhibit, this record, Defendant's Exhibit Four, which shows the delivery at 7:48 on the morning of September 1st.

Mr. Segal: I don't know unless he gets the delivery the night before and makes his return the following morning. Here you have one handwriting, the date is—apparently there has been some changes, it is in different pencil, there is something wrong with this.

The Court: What about this one, what about this record?

Mr. Segal: That is made after the delivery, the following day.

The Court: That is not, no, no, here is—this is the signature of the addressee of the letter, isn't it?

The Witness: That is the signature of the person that accepted the letter.

The Court: Yes, that's the address of the lady that signs on this, yes, that isn't made up on some subsequent time?

The Witness: No.

* * * * * *

The Court: We are wasting time on this, I definitely will hold this notice was not served in time. You want to dismiss without prejudice or do you want a finding?

Mr. Townsend: I move for a finding, Your Honor, and taxation of costs.

LETTER FROM G. W. TOWNSEND WITH REFERENCE TO THE MAX HERMANN VS. JOSEPH ST. DENNIS CASE

November 30, 1945

Mr. George W. Tanner
Chairman, Ethics Committee
Hennepin County Bar Association
1114 Northwestern Bank Bldg.
Minneapolis, Minnesota

Dear Sir:

I am bringing to your attention, as Chairman of the Ethics Committee of the Hennepin County Bar Association, a matter at the instance of Judge LaBelle, who feels that the matter should be investigated thoroughly.

On October 9, 1945 I represented the defendant in an unlawful detainer action entitled: Max Hermann v. Joseph St. Dennis. The plaintiff in that action was represented by attorney A. Ray Segal. It appeared from the facts that the important question had to do with whether or not the defendant received notice to vacate within the time required by local law. That time would have expired at midnight August 31, 1945. The defendant denied receiving the notice until after September 1, 1945 or thereabouts. The plaintiff offered in evidence and it was accepted as Plaintiff's Exhibit "A," a Return Receipt in the form commonly used by the post office in showing delivery of registered mail. It was pointed out by me to the court that apparently the date of delivery had been altered, bearing in mind that it was necessary that the registered letter be delivered on 8-31-45. The date of delivery shows that date, but it is obvious that it has been altered, and such was the opinion of Judge LaBelle. I enclose this Return Receipt for your file, it having been withdrawn from the file by me, with Judge LaBelle's permission. It will be observed that the "9" which was origi-

nally written has been re-written to read "8" and a "w" has been put in front of the numeral "1," indicating delivery 8-31.

Because of this obvious conflict in testimony Judge LaBelle ordered the case continued until the following Tuesday at 2:00 p.m. In the meantime, inasmuch as Segal had testified under oath that he had mailed the notice in question at the post office branch at 704 Marquette in the middle of the afternoon of August 31st, I investigated and found that the letter had actually been mailed within a very few minutes of closing time, my recollection being 5:57 p.m., August 31st.

I then went to the Main Post Office, and after investigation and inquiry there determined that the letter had actually been delivered at 7:58 a.m. on September 1, 1945. On the strength of that the post office was subpoenaed and a witness of the post office testified from the records and brought into court by him, that delivery had been made as indicated, namely, 9-1-45 at 7:57 or 7:58 a.m. There were several documents in the hands of the post office which verified this information, so that it was obvious that the Return Receipt had in fact been altered.

At the second hearing in this matter Mr. Segal then attempted, in the words of Judge LaBelle, "to throw a smoke screen around himself" by accusing my client of perjury or attempting to so accuse her. It was obvious that the Return Receipt had not been in anyone's hands other than Mr. Segal's from the time it was returned to him by the post office until it was produced by him in court. It would appear from the transcript of testimony, which I enclose, as to the first hearing that apparently Mr. Segal has perjured himself as well as committing perjury. I am advised by Judge LaBelle that the other testimony which was taken at the second hearing will be transcribed and made available to me the first part of next week, at which time I will procure it and deliver it to you. Inasmuch as Judge LaBelle ordered both of these transcripts and they are his property, they must be returned to him.

Judge LaBelle has indicated very definitely that he will appear before the Committee, as will I, in presenting evidence to the Committee of the matters contained herein.

I am enclosing also the special delivery envelope in which the notice to vacate was enclosed, marked, Defendant's Exhibit I, from which you will be definitely able to ascertain the time that it was mailed.

I realize that considerable time has elapsed since these events occurred, but the press of business has prompted me to procrastinate somewhat. I was advised, however, by Judge LaBelle today that had I not brought this matter to your attention he would have done so.

Yours very truly,

G. W. TOWNSEND

GWT:VD
Encls.

DEFENDANT'S EXHIBIT A

May 21, 1953
Minneapolis, Minnesota

I, Mary Katherine Johnson, make the following voluntary statement to Special Agents James J. Duggan and B. Harry Wynn who have identified themselves to me as Special Agents of the Federal Bureau of Investigation. No threats, promises, or inducements have been made to make this statement, and I have been advised that whatever I say can be used against me in court. I have also been advised of my right to counsel, and I do not care to have an attorney present when this statement is made.

My name is Mary Catherine Johnson. I am 19 years of age. My family's home is 1252 Hubbard Ave. in St. Paul, and I have completed 11 years of school.

On or about November 1, 1952 at approximately 12:00M at Olson Highway and Aldrich Ave. in Minneapolis, I met

Donald Nelson after he had finished his turn at driving a cab for the yellow-cab Co. I met Don Nelson and we went into Ampy's tavern, Olson Highway and Aldrich Ave. where we ate and it was at this time that I requested him to take me to Chicago, Ill. Don knew that I was a prostitute as I had, upon many occasions, discussed my hustling with him.

Nelson and I were later joined by Becky Arons, a prostitute, (colored) who lived with Don Nelson and another man whose name I do not choose to mention. We four then discussed the trip and we finally agreed to go and to pay Nelson, twenty-five dollars plus gas. We left Minneapolis around 5:00 am in Nelson's 1952 Buick Special, red in color. We thought the police were following us so we four, Becky Arons, Nelson, myself, and the fourth fellow drove very slowly for a time. In St. Paul we stopped at a gas station on Kellogg St. and had some difficulty with the operator as neither of us wanted to pay for the gas and as a result the operator of the station called the police and the police talked to us.

We left St. Paul around 6:00 am and we headed toward Chicago with Nelson driving. We travelled slowly as we thought we were being followed by the police and Nelson was real careful and drove around for some time before we drove across the state line. Nelson made sure that we were not being followed before we crossed into Wisconsin.

On the trip Nelson kept asking us for the rest of the money which we refused to give him until we got to Chicago. We did not intend to pay him so we, meaning my friend and I, kept giving him Marijuana (reefer) cigarettes and Don and Becky discussed the possibility of them staying a few days in Chicago whereby Becky could turn some tricks. Becky had hustled in Chicago before and knew the town.

We four traveled to a little town about 100 miles from Chicago when Nelson told us to get out as he knew by this time that we were not going to pay him for the trip. My

friend and I got out of Nelson's car and caught a bus to Chicago. The trip cost us approximately $4.00 a piece from this little town in Wisconsin to Chicago. To the best of my knowledge, Nelson and Becky drove back to Minneapolis.

We did not pay Nelson for this trip and this was the only time I had ever gone anyplace with him.

I have read the foregoing statement consisting of 3 pages and have initialed each page and correction.

MARY KATHERINE JOHNSON

Witnessed by:
B. Harry Wynn, Special Agent, F.B.I.
Minneapolis, Minn., 5-21-53
James J. Duggan, Special Agent, F.B.I.
Minneapolis, Minn., 5-21-53